

MARLBORO COUNTY COUNCIL

MARLBORO COUNTY CONFERENCE ROOM

THURSDAY, AUGUST 9, 2007

6 PM

CHAIRMAN                      JEAN WALLACE MCLEAN

VICE-CHAIR                      MICKEY ROGERS

ADMINISTRATOR                      CECIL KIMREY

COUNTY ATTORNEY                      DONNIE MCDONALD

COUNCIL:

JEAN MCLEAN,  
MICKEY ROGERS,  
DR. CAROLYN PRINCE,  
STEVE BLACKMON, AND

JEFF QUICK,  
CORRIE H. PLATO,  
KEN ALLEN,  
ANTHONY WOODS

\*      ABSENT

INVOCATION – Ms. Jean Wallace McLean, Chair

PRESENTATIONS

**Mr. Robert S. Croom, Assistant Director of Legal and Legislative Affairs and Mr. John K. Deloache, Staff Attorney, South Carolina Association of Counties.** Mr. John Deloache addressed Council advising them of some general educational teleconferences which are to be offered by the Association of Counties. Information which was distributed to Council included: 2007 Presidents Report, 2007 Acts That Affect Counties, A Handbook for County Government in South Carolina, County Leadership Handbook, Revenue Resources for County Government, Home Rule Handbook for County Government, and General Technical Bulletins and Institute of Government information. Mr. Deloache advised that in the next couple of months, the Association will begin the 2008 Legislative planning sessions. He stated that if any Council Members had any issues which they would like to address to please contact them so they can forward it to the Steering Committee.

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Mr. Robert Croom stated the main reason they were at the Council meeting was to make sure Council knew they were working for us.

APPROVAL OF MINUTES – JULY 12, 2007

The minutes were approved with a correction to page Four correcting Cater to Caterer.

**Motion made by Mr. Jeff Quick, seconded by Dr. Carolyn Prince to approve the minutes of July 12, 2007. Vote in favor: Mr. Steve Blackmon, Ms. Mickey Rogers, Mr. Jeff Quick, Mr. Anthony Woods, Mr. Ken Allen, Dr. Carolyn Prince and Ms. Jean McLean. Abstain: Ms. Corrie Plato. Motion carried**

OLD BUSINESS

ORDINANCE # 628 – AN ORDINANCE TO REPEAL THE MANUFACTURED HOME REGULATIONS AND LICENSING ORDINANCES IN MARLBORO COUNTY AND ADOPTING A REPLACEMENT MANUFACTURED HOME ORDINANCE TO REGULATE AND LICENSE MANUFACTURED HOMES IN MARLBORO COUNTY. – THIRD READING

Mr. Donnie McDonald, County Attorney advised that most of the changes had to do with incorporating the State Act into our ordinance. Council members stated they had not had time to read the changes and wanted to table the item. The status of the current complaint in the Brownsville area was questioned – Mr. Bob Eskridge, Codes Enforcement Officer was present and advised Council that the owner of the property had been given a ticket.

**Motion made by Dr. Carolyn Prince, seconded by Ms. Mickey Rogers, to table the third reading of Ordinance # 628 for review. Vote in favor. Unanimous. Motion carried.**

NEW BUSINESS

ORDINANCE # 631 – AN ORDINANCE APPROVING THE REQUEST OF VICTORY CHRISTIAN CHURCH FOR AN EASEMENT FOR THE PURPOSE OF INSTALLING A FORCE MAIN LINE FOR THE DISPOSAL OF SEWAGE. – FIRST READING.

Council was advised the lines run along County owned dirt roads.

**Motion made by Dr. Carolyn Prince, seconded by Mr. Steve Blackmon approving Ordinance # 631 – An Ordinance approving the request of Victory Christian Church for an easement for the purpose of installing a force main line for the disposal of sewage. Vote in favor. Unanimous. Motion carried.**

ORDINANCE # 618 A – AN ORDINANCE AMENDING ORDINANCE # 618 ENTITLED “AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT EXCEEDING FOUR MILLION DOLLARS (\$4,000,000.00) GENERAL OBLIGATION BONDS OF MARLBORO COUNTY, SOUTH CAROLINA, TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED, TO PROVIDE FOR THE PAYMENT THEREOF, AND OTHER MATTERS RELATING THERETO” IN ORDER TO PROVIDE THAT RENOVATIONS TO THE MARLBORO COUNTY COURTHOUSE AND THE CONSTRUCTION, FURNISHINGS AND EQUIPPING OF A NEW OFFICE AND COURTROOM FOR THE MAGISTRATE SHALL BE AN ADDITIONAL USE OF PROCEEDS OF THE BONDS AUTHORIZED THEREIN, AND OTHER MATTERS RELATING THERETO. – FIRST READING.

Dr. Carolyn Prince requested that Council move to the next item on the agenda before making a decision on this item. She would like to know the justification for the recommendation of the Finance Committee before making a decision on this item.

RECOMMENDATION OF THE COUNCIL FINANCE COMMITTEE FOR ALLOCATIONS OF THE FUNDS TO BE USED FROM THE \$4,000,000.00 GENERAL OBLIGATION BOND.

A copy of the Council Finance Committee Meeting was distributed to Council for review. Council members agreed that the amounts recommended including the additional of \$300,000 (up to) for the Courthouse and \$750,000 (up to) for the Magistrates Office should be itemized in Ordinance # 618A.

Mr. Donnie McDonald, County Attorney advised Council that they would have to vote on Ordinance # 618A before voting on the Finance Committee’s recommendation, because it modifies Ordinance to include the Courthouse and Magistrate’s Office. It was questioned whether the first reading of Ordinance # 618 could be approved with also accepting the recommendation of the Finance Committee at the same time. Mr. McDonald advised this was acceptable.

**Motion made by Ms. Mickey Rogers, seconded by Dr. Carolyn Prince to approve the first reading of Ordinance # 618A – An Ordinance amending Ordinance # 618 entitled “An Ordinance to provide for the issuance and sale of not exceeding four million dollars (\$4,000,000.00) General Obligation Bonds of Marlboro County, South Carolina, to prescribe the purposes for which the proceeds shall be expended, to provide for the payment thereof, and other matters relating thereto” in order to provide the renovations to the Marlboro County Courthouse and the construction, furnishings and equipping of a new office and courtroom for the magistrate shall be an additional use of proceeds of the bonds authorized therein, and other matters relating thereto; and to approve acceptance of the recommendation of the Council Finance Committee as to the following allocations:**

Up to \$ 10,000	D.D. McColl House
Up to \$ 300,000	Courthouse

**Up to \$ 500,000      Library – The County will advance up to an additional \$500,000 provided the County has a written commitment from a state or federal agency advising the county will be reimbursed for the advancement.**

**Up to \$ 750,000      Sheriff's Department Building**

**Up to \$ 750,000      Magistrate's Office**

**Up to \$1,690,000      Administration Building**

**Vote in favor. Unanimous. Motion Carried.**

**DISCUSSION OF POSSIBLE LETTING OF BIDS FOR THE PROPOSED MARIAN WRIGHT EDELMAN PUBLIC LIBRARY OF MARLBORO COUNTY.**

Ms. Jean Wallace McLean, Chair read a statement which had been sent to other Council Members several days prior to the meeting. The statement advised that "The Marlboro County Council is committed to building a new library, under the terms of the commitments that were made by everyone at the beginning of the project. Under the terms proposed in the beginning, the greatest amount of the funding was to come from private donations. The County's commitment is \$500,000.00. The building of the library will be handled in a sound business way, it will be handled in a chronological way, and it will be done when all funds are secured to pay the estimated costs including the private donations".

Mr. Cecil Kimrey, Administrator presented a report to Council Members advising of all funds both on hand and committed which have been secured to-date. Mr. Kimrey stated that the County actually has \$1,174,045.90 on hand. The commitments which Mr. Kimrey itemized total \$3,706,834.00 bringing the total to \$4,880,879.90. The total estimated cost of building the library is \$5,604,631.00 which leaves a deficit of \$723,751.10. Mr. Kimrey advised that of the funds raised to-date, the County has already spent \$. 381,067.04. Mr. Kimrey also advised Council that all of the committed and funds can not be used for construction, the IMLS grant (\$500,000.00) must be used for furniture, fixtures, etc., the CTC (\$250,000.00) funds can only be used for landscaping, paving, etc., and the Murchison grant for \$96,400.00 can only be used for landscaping. Mr. Kimrey also advised the deficit does not include outstanding bills from the fund raising or allow for any endowment funds. He also advised of several commitments which would be spread over several years: City of Bennettsville (no formal commitment has been received) - \$250,000 over five years, Rogers - \$100,000.00 up to four years, and the EDA funds - \$600,000.00 (approximate) undetermined limit of time. Mr. Kimrey also provided a copy of a letter received from Robert Smith, Jr., Mosely Architects cautioning County to have all the funds available for the entire project before the letting of bids (copy attached to minutes). He advised after the initial bids are opened, the General Contractor typically shall hold their price for a total of (30) thirty days. He stated bidding this important project only once should be priority for the County as it would be extremely difficult to bid a project twice and have good participation from General Contractors. Mr. Kimrey did state there could be a few dollars in which he did not have the amounts, but, his report was based on the information provided to him.

Dr. Carolyn Prince made a statement for the record. She stated that Council as a group did not meet to agree upon the statement read by the Chair. She said that since the beginning there had been changes to the project including the site and design, donations had been lost, and the current library had deteriorated. Dr. Prince stated that the price of the library had gone up, but, Marlboro County needs a library. She said that the Chair could not speak for her in that statement; she considered it the Chair's personal opinion, so she voiced her opinion.

Mr. Ken Allen stated that as to Dr. Carolyn Prince's statement, that was one side of the coin of which he appreciated. However, he said there is another side of the coin. He said that in today's business world, you can not pay for anything with promises. He said he took issue with the fact that many people including the people present did not get where they were by making poor business choices. He said that if you leap out there to build something without having the funds, to start with is illegal for the County to do so, and secondly is it's not sound business.

Mr. Steve Blackmon questioned what the worst case scenario is if the County were to let out bids, could the literature wording be done to prevent County from being sued? Mr. Donnie McDonald, County Attorney advised Council that he had talked to other county attorneys and the consensus was that the invitation to bid document had to have language that disclosed that the funds were not now available to pay the estimated costs of construction to avoid legal problems of misrepresentation on the ability to fund the project. He said you can let out the bids, however, when it comes to signing the contract, you must have the money. Mr. McDonald advised again that the Architects did not want Council to bid out the project without having the funds available.

Various Council members discussed the possibility of other donations and/or pledges the Finance Committee may have that Council is not aware of. Ms. Jean Wallace McLean recognized Representative Douglas Jennings who advised he was there to speak on behalf of the Library Finance Committee.

Representative Jennings distributed a report of donations and pledges to various Council Members. He advised that Mr. Kimrey was accurate with his report; however, his report was cash flow. He said the report he distributed was not exaggerated and that Mr. Allen was correct in stating some of the pledges were unsecured. Representative Jennings report advised of a total of \$5,302,855.00 which included funds in hand and pledges. Representative Jennings report did not include the expenditures (\$381,067.90) to-date. Representative Jennings advised of several donations which should be received within the next thirty days. He said it may take several budget years to get more appropriations from the State. Representative Jennings said that he and the Finance Committee were at the Council Meeting to advise Council that they were going to raise the balance of the Six and One Half Million Dollars budgeted for the project.

Mr. Harry Easterling was recognized by the Chair. He stated that he had confirmed the pledge made by Blue Cross Blue Shield of \$200,000.00 of which half would be paid before the end of this calendar year and the other half would be paid early within the next year,

probably no later than February. Mr. Easterling also stated that if Council voted to let out the bids at the August 9<sup>th</sup> Council Meeting, and needs some of the \$200,000.00 from Blue Cross Blue Shield, he can probably get it earlier. He said that after talking with Blue Cross Blue Shield a necessary step is to advertise the bids. Mr. Easterling also advised he had confirmed to Mr. Kimrey the delivery of \$25,000 from his personal account to pay for the cost of advertising bids.

Representative Jennings went on to advise Council that the Anonymous Estate Settlement in the amount of \$100,000.00 would be paid as one half this fiscal year for tax purposes and the other half by December 31, 2008. He advised the check from the Clinton Foundation (Hillary & Bill Clinton) was ready; they would like to arrange a check presentation. The donation from Regina Rogers, Beaumont Texas is pledged over four (4) tax years - \$25,000 now whenever the check is requested and then over the next three (3) tax years. Representative Jennings requested Mr. Lon Lester to speak on behalf of First Citizens Bank.

Mr. Lon Lester, President of the local First Citizens Bank, stated that he was speaking on behalf of Mr. James Bennett, Deputy Vice-President of Community Relations for First Citizens, and Mr. Jim Apple, CEO of First Citizens for the State of South Carolina. Mr. Lester stated that the money that is pledged represents collateral to them and that First Citizens Bank will make a loan to the Finance Committee using the pledges and help to put the library up out of the ground.

Representative Jennings went on to advise that he has the commitment from AT&T for \$50,000 in writing, however, it can not be obtained until after breaking ground. He also advised that both Flakeboard and Marlboro Electric have stated they would like to do more once they see the project progress. Representative Jennings requested Council go forward with the Advertising of the bids.

Mr. Jerry Wayne Shaw addressed Council in regards to a petition that a group of citizens had turned in. The petition was to express their concerns for the building of the new library. Mr. Shaw said they wanted it known that they did not oppose building the new library and they commended Council for naming the proposed library after Ms. Marian Wright Edelman. Their request was that Council not let out bids or sign any contracts before they have the funds to build it. He requested Council not to risk starting a project they could not complete and not to place the burden on the tax payers.

Various discussion was heard on what it would cost the County to put out bids. It was noted that Mr. Harry Easterling had agreed to pay for the advertising of the bids, Twenty-Five Thousand Dollars (\$25,000) is available. It was also noted that language could be put in the bids to protect the county from any law suits in case the financing could not be put in place. Representative Jennings stated that all that was being asked of the County is their \$500,000.00 commitment. He also stated that the finance committee was going to raise the \$1,000,000.00 endowment fund to keep up the library.

**Motion made by Dr. Carolyn Prince, seconded by Mr. Anthony Woods to move forward in letting out the bids within at least sixty (60) to ninety (90) days. Vote in**

**favor: Mr. Steve Blackmon, Mr. Anthony Woods, Dr. Carolyn Prince, and Ms. Corrie Plato. Opposed: Mr. Jeff Quick, Mr. Ken Allen, and Ms. Jean McLean. Abstain: Ms. Mickey Rogers. Vote: 4/3/1. Motion carried.**

**Motion made by Ms. Mickey Rogers, seconded by Mr. Steve Blackmon to go into executive session to discuss a legal issue. Vote in favor: Mr. Steve Blackmon, Ms. Mickey Rogers, Mr. Jeff Quick, Mr. Anthony Woods, Mr. Ken Allen, Ms. Corrie Plato, and Ms. Jean McLean. Opposed: Dr. Carolyn Prince. Vote: 7/1/0. Motion carried.**

**Motion made by Ms. Mickey Rogers, seconded by Mr. Jeff Quick to re-enter open session. Vote in favor. Unanimous. Motion Carried.**

Ms. Jean Wallace McLean, Chair advised no decisions had been made, no votes had been taken.

APPROVAL OF EMERGENCY SERVICES CONTRACT BETWEEN SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND MARLBORO COUNTY.

**Motion made by Mr. Steve Blackmon, seconded by Mr. Anthony Woods to approve the contract between South Carolina Department of Health and Environmental Control and Marlboro County. Vote in favor. Unanimous. Motion carried.**

RESOLUTION # 08-07-01 – A RESOLUTION AUTHORIZING THE COUNTY OF MARLBORO TO APPLY FOR PARD GRANT FUNDS AND TO REQUEST THE ASSISTANCE OF MARLBORO COUNTY’S LEGISLATIVE DELEGATION.

**Motion made by Mr. Anthony Woods, seconded by Ms. Mickey Rogers approving Resolution # 08-07-01 – A Resolution authorizing the County of Marlboro to apply for PARD grant funds and to request the assistance of Marlboro County’s Legislative Delegation. Vote in favor. Unanimous. Motion carried.**

RESOLUTION # 08-07-02 – A RESOLUTION COMMENDING BLUECROSS BLUESHIELD OF SOUTH CAROLINA FOR THEIR SUPPORT OF THE MARLBORO COUNTY SCHOOL NURSE PROGRAM AND OTHER CHARITABLE INITIATIVES ACROSS THE PALMETTO STATE WHICH PROVIDE FOR THE CONTINUED DEVELOPMENT OF WELL-REASONED, LONG-RANGE HEALTHCARE POLICIES FOR THE CHILDREN AND FAMILIES OF SOUTH CAROLINA.

**Motion made by Dr. Carolyn Prince, seconded by Ms. Corrie Plato to approve Resolution # 08-07-02- A Resolution commending BlueCross BlueShield of South Carolina for their support of the Marlboro County School Nurse Program and other charitable initiatives across the Palmetto State which provide for the continued development of well-reasoned, long-range healthcare policies for the children and families of South Carolina. Vote in favor. Unanimous. Motion carried.**

RESOLUTION # 08-07-03 – A RESOLUTION ACCEPTING A GRANT AWARD UNDER THE FY 07 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM IN THE AMOUNT OF \$19,832.00.

**Motion made by Ms. Mickey Rogers, seconded by Mr. Steve Blackmon to approve Resolution # 08-07-03 – A Resolution accepting a grant award under the FY 07 Edward Byrne Memorial Justice Assistance Grant (JAG) Program in the amount of \$19,832.00. Vote in favor. Unanimous. Motion carried.**

DISCUSSION OF CORONER'S BUDGET REVISIONS FOR FY 2007-2008.

Mr. Cecil Kimrey, County Administrator advised this was not giving the Coroner any additional funds, it was only moving them around.

**Motion made by Mr. Jeff Quick, seconded by Mr. Ken Allen to approve the revisions for the Coroner's budget for FY 2007-2008. Vote in favor. Unanimous. Motion carried.**

CONSIDERATION OF INCREASE OF DETENTION CENTER CHARGES FOR THE FEDERAL PRISON.

Council members discussed increasing the charges of the Detention Center for the Federal Prison to \$75.00 in place of the requested \$40.00.

**Motion made by Dr. Carolyn Prince, seconded by Mr. Jeff Quick to approve the increase for Detention Center Charges for the Federal Prison to \$75.00. Vote in favor. Unanimous.**

DISCUSSION OF CONTRACT OF SERVICES FOR A WEB SITE FOR EMERGENCY SERVICES.

Mr. Cecil Kimrey, County Administrator requested Council table the issue for further review.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Planning Commission - Dr. Carolyn Prince advised both of her appointments had been trained and wanted to continue serving.

Ms. Jean McLean advised her appointee, Mr. Ken Rosser wanted to continue serving.

REPORTS

**Ms. Mickey Rogers, Recreation** – Recreation sponsored a Spring Banquet on June 28<sup>th</sup> and had good attendance. Ms. Rogers said that Lindsay Park is looking good, even though they are still having a problem with the parking.



**Ms. Jean Wallace McLean** - advised the Farmer Market had appreciation day earlier in the day in which both she and Dr. Carolyn Prince attended. She stated it was a nice turnout.

## COMMITTEE REPORTS

### ADMINISTRATOR'S REPORT

**EDA Funds** – Marlboro County finally received the \$950,388 in EDA funds for the railroad.

**Highway Safety Grant** – the Administrator reminded Council that he was instructed not to sign the grant requiring a match of \$73,087 in April.

**Drug Court** – the Solicitor, Jay Hodge has informed Ms. Jean McLean, Chair that a drug court has been approved for Marlboro County for two years. The match is to provide office space. It was suggested by Dr. Carolyn Prince that County contact Reverend Charles Malloy about possible space in the Plaza Building.

**Bennett Park** – the grant for bleachers from Hometown Helpers is being prepared, with no match of funds.

**Surplus Property** – a sell is proposed for September.

**Expenditures** – the expenditures for July were at 8% or \$746,873.50.

**Minimum Wage** – the County had employees impacted by the minimum wage increase which increased by \$.70 per hour.

**Bond Funds** – the Administrator advised he would like to start the process to use bond funds for the courthouse as follows: Awnings for entrances - \$6,000, Enter Card System - \$5,000, and Camera - \$500. Council members were agreeable.

**IMLS Grant** – the County has to spend the \$500,000.00 IMLS funds by September 30, 2007. The Administrator requested permission to proceed with purchasing the equipment, materials, etc. Council members were agreeable.

**Bond Counsel** – the local Counsel's fees for the \$4,000,000.00 GOB was \$5,000.00.

**Courthouse Parking** – SCDOT issued a PIN number in the amount of \$30,000.00 to pave the Courthouse parking lot in October 2005. The PDCOG engineer has provided an estimate of approximately \$115,000 to correct the drainage issues and pave the lots.

**Transfers** – the following transfers (attached on separate sheet) were made for June 30, 2007 close-out by the Finance Director, Tommy Carabo.

**I73** – a meeting was held at the Skye to show the preferred route. The Administrator has books with additional information if Council is interested in looking at them.

**Airport** – the County has been awarded funds of approximately \$96,000 for the airport, however, a formal verification has not been received from FAA.

A letter has also been received concerning some issues at the airport in which the Administrator has not been made aware of. It will probably require the county to seek additional grant funds to correct – some overgrown trees and runway cracking. County may need to look into purchasing the property from the owners. It is difficult to cut their trees, even with an easement.

#### RECOGNITION OF CITIZEN’S REQUEST BEFORE COUNCIL

No Citizens were heard.

#### RECOGNITION OF COUNCIL MEMBERS

**Dr. Carolyn Prince** said the Russell, Maple, and Breeden street areas are still having a problem. The property owners are having a problem with drug activity and have given permission to have that area cleared of brush only. The Administrator advised the Attorney is already working on the problem.

Dr. Prince questioned the status of Triple Canopy. She was advised Council would be updated in executive session.

#### EXECUTIVE SESSION

**Motion made by Dr. Carolyn Prince, seconded by Mr. Ken Allen to take a ten minute break and then go into executive session to discuss a Contractual and legal issue. Vote in favor. Unanimous. Motion Carried.**

**Motion made by Mr. Ken Allen, seconded by Mr. Anthony Woods to re-enter open session. Vote in favor. Unanimous. Motion Carried.**

Ms. Jean Wallace McLean, Chair advised no decisions had been made, no votes had been taken.

#### DISCUSSION OF CONSULTANTS PROPOSAL

**Motion made by Mr. Jeff Quick, seconded by Mr. Anthony Woods to retain the law firm of Parker Poe to handle the Solid Waste Landfill project. Vote in favor. Unanimous. Motion carried.**

**Motion made by Dr. Carolyn Prince, seconded by Ms. Corrie Plato to approve the contract with Alliance Consulting to up-date the County Solid Waste Plan in the**

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**amount of \$3950.00 to be taken from the Railroad funds. Vote in favor. Unanimous. Motion carried.**

**ADJOURNMENT**

There was no further discussion. The meeting was adjourned.

**Approved & Adopted September 13, 2007  
Susan E. Rivers, Clerk to Council**